

REMARKS

Applicants have received the Office Action dated April 14, 2011, in which the Examiner: 1) objected to the specification; 2) objected to claims 5, 6, 8, 11-18, 20, and 22 due to claim informalities; 3) rejected claims 1-26 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter; 4) rejected claims 7-26 under 35 U.S.C. §112, 2nd paragraph as being indefinite; and 5) would allow claims 1-26 if rewritten or amended to overcome the rejections under 35 U.S.C. §101 and 112, 2nd paragraph. With this Amendment, Applicants have amended claims 1-26. Based on the amendment and remarks herein, Applicants respectfully submit that all pending claims are in condition for allowance.

I. OBJECTION TO THE SPECIFICATION

Applicants have amended claims 7-18 to recite “a system” rather than “[a]n information network security data compilation system.” Applicants’ specification provides support in numerous locations -- for example page 4, lines 11-12 -- for “a system for compiling security data from an information network.” Additionally, claims 19-26 do not recite a “compilation system” as alleged, thus the objection to these claims appears to be moot. In light of the amendments to claims 7-18 and the support currently found in Applicants’ specification, Applicants respectfully request that the Examiner withdraw these objections.

II. OBJECTIONS TO CLAIMS 5, 6, 8, 11-18, 20 AND 22

Applicants submit that each of claims 5, 6, 8, 11-18, 20 and 22 contain “wherein” clauses that state conditions material to patentability and do not merely express an intended result. Additionally, Applicants have amended claims 14 and 23 to remove the “if” limitations. As such, Applicants respectfully request that the Examiner withdraw these objections.

III. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner appears to rely on the Federal Circuit’s holding in *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008), for the proposition that a statutory process “must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or

material) to a different state or thing.” (Office action, p. 4). The Supreme Court in the *Bilski* case clearly stated that the Federal Circuit’s “machine or transformation test” was not the only test.

Applicants respectfully submit that claims 1, 7 and 19 are directed to patentable subject matter. In *Bilski v. Kappos*, 130 S. Ct. 3218 (2010), the Supreme Court reiterated that the “Court’s precedents provide three specific exceptions to § 101’s broad patent-eligibility principles: ‘laws of nature, physical phenomena, and abstract ideas.’” *Id.* at 3221 (quoting *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980)).

Claim 7 is clearly not directed to a law of nature or physical phenomena. Applicants further respectfully submit that claim 1 is not directed to an abstract idea, but to a system including network components (which page 2, lines 8-10 of Applicants’ specification explains “include firewalls, proxy servers, intrusion detection systems, routers, and availability monitors”) and a data storage element. As such, Applicants respectfully submit that claim 7 and all claims that depend thereon are statutory as apparatus claims.

Claims 1 and 19 are also clearly not directed to a law of nature or physical phenomena. Applicants further respectfully submit that claims 1 and 19 are not directed to an abstract idea, but to methods requiring relationships and interaction with defined entities. More specifically, claims 1 and 19 are directed to methods requiring security data to be received or collect from network components and storing parser scripts or formatted data in a data storage element.

In *Gottschalk v. Benson*, 409 U.S. 63 (1972), the Supreme Court held that a claimed algorithm for converting binary coded decimal into binary was an unpatentable abstract idea because if allowed such a patent “would wholly pre-empt the mathematical formula” in any implementation. See *Bilski*, 130 S. Ct. at 3230 (explaining *Benson*); *Benson*, 409 U.S. at 68. As explained above, claims 1 and 19 require methods that interact with network components and store parser scripts or formatted data in a data storage element. Consequently, claims 1 and 19 do not pre-empt any and all implementations of the specified method steps, and therefore Applicants respectfully

submit that claims 1 and 9 and all claims that depend thereon are not directed to an abstract idea as identified by the Supreme Court in *Benson* and are thus statutory.

IV. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner alleges that the claims recite, in part, "network security data compilation system and associated method." Aside from the rejection of claims 7-26, no indication is given as to which of Applicants' claims recites such text. However, in the interest of advancing prosecution, Applicants have amended claim 7 to recite "[a] system comprising. . ." and claim 19 recites, "[a] method of compiling network security data comprising. . ." As such, no claim recites the alleged "network security data compilation system and associated method" and Applicants respectfully submit that claims 7-26 are not indefinite.

V. ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for recognizing the allowable subject matter of the present claims. In light of the amendments to the claims and the remarks presented regarding the various objections to and rejections of the claims, Applicants respectfully submit that the claims are in condition for allowance.

VI. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. In the event that an extension of time is necessary to allow for consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account No. 03-2769 for such fees.

Respectfully submitted,
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